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Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON

Plaintiff

v.

NEW YORK TRIBECA GROUP LLC

Defendant

COMPLAINT:

Plaintiff, James Everett Shelton, brings this action against Defendant, NEW YORK TRIBECA GROUP LLC, and alleges based on personal knowledge and information, and belief, as follows:

Preliminary Statement

1. Plaintiff James Everett Shelton (“Plaintiff”) brings this action under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, alleging that NEW YORK TRIBECA GROUP LLC sent at least one hundred and five (105) telemarketing calls and text messages for the purposes of commercial solicitation by contacting Plaintiff’s personal and residential telephone number listed on the National Do-Not-Call Registry, which is prohibited by the TCPA.
2. Plaintiff never consented to receive any of these phone calls or text messages, which were placed to him for telemarketing purposes.

PARTIES

3. The Plaintiff is JAMES EVERETT SHELTON (“Plaintiff”), a natural person, and was the individual who received the alleged phone calls in this case on his private mobile and residential telephone.

4. Defendant NEW YORK TRIBECA GROUP LLC (“Tribeca”) is a limited liability company organized and existing under the laws of New York, and can be served at its principal place of business located at 40 Wall St., 43rd Floor, New York, NY 10005. Defendant markets and sells, inter alia, loans and business financing to people in Pennsylvania, and engages in telemarketing into this district, as it did with the Plaintiff.

JURISDICTION & VENUE

5. **Subject-Matter Jurisdiction:** This Court has federal-question subject matter jurisdiction over Plaintiff’s TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a federal statute. *Mims v. Arrow Fin. Servs., LLC*, 556 U.S. 368, 372 (2012).

6. **Personal Jurisdiction:** This Court has specific personal jurisdiction over the Defendant because Defendant has repeatedly placed calls and text messages to the Plaintiff who is a resident of this District and owns a telephone number with a Pennsylvania (484) area code which represents a Pennsylvania telephone service region in the Eastern District of Pennsylvania, and Defendant derives revenue from Pennsylvania residents, and they sell goods and services to people in Pennsylvania, including the Plaintiff.

7. **Venue:** Venue is proper in this court pursuant to 28 U.S.C. § 1391(b)(1)-(2) in that Defendant conducts business in, and a substantial part of the events giving rise to Plaintiff’s claims occurred in Montgomery County, Pennsylvania, and Plaintiff was physically present in the Eastern District of Pennsylvania for many of the calls as alleged in this Complaint, and

Plaintiff is a resident of the Eastern District of Pennsylvania. Defendant conducts business in this judicial district by calling people in Pennsylvania.

Statutory Background

The Telephone Consumer Protection Act

8. In 1991, Congress enacted the TCPA to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that "[u]nrestricted telemarketing ... can be an intrusive invasion of privacy[.]" Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

9. According to findings by the Federal Communication Commission ("FCC"), the agency Congress vested with authority to issue regulations implementing the TCPA, "wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used." *In re Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, Report and Order, 18 F.C.C. Rcd. 14014, 14115 ¶ 165 (2003).

The National Do-Not-Call Registry

10. The National Do Not Call Registry allows consumers to register their telephone numbers and thereby indicate their desire not to receive telephone solicitations at those numbers. See 47 C.F.R. § 64.1200(c)(2). A listing on the Registry "must be honored indefinitely, or until the registration is cancelled by the consumer or the telephone number is removed by the database administrator." *Id.*

11. The TCPA and implementing regulations prohibit the initiation of telephone solicitations to residential telephone subscribers to the Registry. 47 U.S.C. § 227(c); 47 C.F.R. § 64.1200(c)(2).

12. The TCPA provides a private cause of action to persons who receive calls in violation of § 227(c) or a regulation promulgated thereunder. 47 U.S.C. § 227(c)(5).

13. A text message is considered a “call” under the TCPA. *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663 (2016).

FACTUAL ALLEGATIONS:

14. Defendant provides loans and business financing services to people in Pennsylvania and nationwide.

15. Defendant routinely violates the TCPA as a part of its business model and knowingly and willfully commits TCPA violations.

16. Defendant has been previously sued for violating the TCPA in *Mario Guerra v. New York Tribeca Group LLC*, Case No. 2021-015023-CA-01 (Miami-Dade County, Florida, Jun. 18, 2021) (hereinafter “first Guerra Action”)

17. Defendant has also previously been sued for violating the Florida Telephone Solicitation Act (“FTSA”), Fla. Stat. § 501.059, which is Florida’s state-law equivalent of the federal TCPA and regulates telemarketing practices in the State of Florida. See *Mario Guerra v. New York Tribeca Group LLC*, Case No. 2022-002802-CA-01 (Miami-Dade County, Florida, Feb. 13, 2022)(hereinafter “second Guerra Action”).

18. It should be noted that both *Guerra* actions were filed by the same Plaintiff, with the first Guerra Action being filed in 2021 for unsolicited text messages received in June, 2021, and the case being settled in November, 2021.

19. The second Guerra Action was filed in February, 2022 for unsolicited automated text messages sent in February, 2022 (approximately three months after the first Guerra Action was settled and dismissed).

20. The second Guerra Action was settled and dismissed in April, 2022.

21. As can be seen above, both of these lawsuits were filed and resolved before Plaintiff received the telephone communications from Defendant as alleged in this action, between May and November, 2022.

22. Despite these prior lawsuits, Defendant has failed to reform its business practices to bring them in compliance with the TCPA.

23. Additionally, Defendant was recently sued in the Southern District of New York for violations of the federal Defend Trade Secrets Act (“DTSA”), as well as misappropriations of trade secrets. The plaintiff in that action, Fora Financial Holdings, LLC, alleges that “*Tribeca’s personal repeatedly harassed Fora Financial’s customers through text messages and phone calls, the substance of which indicate that Tribeca has obtained and is using Fora Financial’s trade secret confidential information to identify and contact Fora Financial’s customers and then attempt to switch their business to Tribeca.*” See *Fora Fin. Holdings, LLC v. New York Tribeca Group, LLC*, Case No. 1:22-cv-08539 (S.D.N.Y., Oct. 6, 2022), ECF No. 1, ¶4.

The Defendant’s Telemarketing Calls to the Plaintiff

24. At all times relevant hereto, Plaintiff maintained and used a residential cellular telephone line, with phone number (484) 626-3942.

25. At all times material hereto, Plaintiff was the subscriber of the telephone number (484) 626-3942 and paid his cell phone bill through T-Mobile.

26. All calls to Plaintiff described herein were to that number.

27. It has been assigned to Plaintiff since 2014.

28. Plaintiff’s phone number is his private cell phone number and is used by Plaintiff solely.

29. Plaintiff’s phone number is registered with T-Mobile as his personal telephone number and not as a business telephone number.

30. At all times material hereto, Plaintiff's telephone number was not held out by Plaintiff as the contact telephone number for any business.

31. Plaintiff's personal cellular telephone number is a "residential" telephone number that he uses for various personal, family, and household purposes, such as sending and receiving emails, timing food when cooking, sending and receiving text messages, calling friends and family while at home, using the phone's alarm function to wake up in the morning, and for navigation purposes.

32. The Plaintiff maintains no landline phones at his residence and has not done so for approximately eight (8) years and primarily relies on his cellular phone to communicate with friends and family.

33. Plaintiff's personal cellular telephone number (484) 626-3942 has been registered on the National Do-Not-Call Registry since June 26, 2015.

34. Plaintiff registered his phone number on the Do Not Call Registry in order to obtain solitude from invasive and harassing telemarketing calls and text messages. The telemarketing calls prevented Plaintiff from using his phone for legitimate purposes.

35. The Plaintiff has received at least one hundred and five (105) telemarketing calls between May 25, 2022 and November 8, 2022 to his personal and residential cell phone number 484-626-3942, without his prior express written consent and not related to an emergency purpose, promoting working capital and/or financing services from Defendant.

36. Call 1: On May 25, 2022 at 1:56 PM the Plaintiff received a telemarketing call which displayed on Plaintiff's caller identification as (484) 725-6813.

37. Plaintiff answered.

38. The caller identified himself as "Daniel" with the New York Tribeca Group.

39. Defendant's representative pitched Plaintiff on a business loan.
40. Plaintiff hung up the phone without giving Defendant permission to call back.
41. **Call 2 (first text):** On May 25, 2022 at 2:00 PM, Plaintiff received a text message from phone number (732) 334-3345. The text message read:
- “Hey James when you call me back please call 9178334284. Reply STOP to unsubscribe.”
42. **Call 3 (second text):** On May 25, 2022 at 2:00 PM, Plaintiff received a text message from phone number (732) 334-3345. The text message read:
- “that is my personal cell”.
43. **Call 4:** On May 24, 2022 at 3:05 PM, Plaintiff received a telemarketing call which displayed on Plaintiff's caller identification as (929) 810-1577.
44. Plaintiff answered and spoke with “Daniel Yusufov”, an “Account Manager” with New York Tribeca Group.
45. Mr. Yusufov attempted to pitch Defendant's loan and/or financial services to the Plaintiff.
46. Plaintiff provided Defendant with his e-mail address and feigned interested in the telemarketing pitch for the sole purpose of identifying who was calling.
47. **DNC Request:** At the end of the phone call, Plaintiff told Defendant's representative, “do me a favor, don't call this number again.”
48. In response, Mr. Yusufov said “of course” and “no problem”, indicating that he understood Plaintiff did not want to be contacted on his personal cell phone again by Defendant.
49. At no time did Plaintiff give Defendant permission to call him in the future. The Plaintiff told Defendant he would call them back if he had any questions or was interested in the Defendant's services.

50. As a result of this telemarketing call, Plaintiff received an e-mail at 3:08 PM from Daniel Yusofov, d.yusofov@nytribecagroup.com, an “Account Manager” at New York Tribeca Group, attempting to get the Plaintiff to submit an application for financing and/or working capital.

51. Plaintiff believes, and therefore avers, that Defendant did not train their representatives to honor and abide by DNC requests made by consumers.

52. It is evidently Defendant’s business practice to continue placing sales calls to consumers who have already made DNC requests and who have stated they are not interested in Defendant’s services. Such conduct violates the TCPA and its implementing regulations, 47 CFR § 64.1200(d)(3)(requiring telemarketers to honor and record DNC requests when made).

53. **Call 5 (third text):** On May 25, 2022 at 3:08 PM. Plaintiff received a marketing text message from Defendant’s representative using phone number 917-833-4284. The text message read:

“Hey it’s Daniel from Tribeca and my email is d.yusofov@nytribecagroup.com”.

54. Plaintiff made numerous “Do-Not-Call Requests” to Defendant in writing, in an earnest effort to get Defendant’s telemarketing harassment to stop.

55. **Second DNC Request:** On May 28, 2022 at 4:20 PM, Plaintiff sent an e-mail to Defendant’s representative, Daniel Yusofov. The e-mail read:

“Please don’t call my number back again though its been getting clogged lately with tons of phone calls.”

56. Defendant’s representative, Mr. Yusofov, acknowledged Plaintiff’s Do-Not-Call Request via reply e-mail at 4:23 PM the same day, writing, “*Sounds good, thank you. Have a great weekend as well!*” See Exhibit “1”, a true and correct copy of this e-mail chain.

57. The above-referenced e-mail confirms that Defendant understood that Plaintiff did not want to be contacted again on his personal number.

58. Nevertheless, Defendant again failed and/or refused to comply with Plaintiff's "Do-Not-Call" request. The calls and text messages only continued to rain down on the Plaintiff's phone.

59. Prior to June 3, 2022, at least twenty-seven (27) unwanted telemarketing calls had racked up from Defendant. At no time during any of these calls did Plaintiff provide permission to Defendant to call him back.

60. **Third DNC Request:** After the twenty-eighth telemarketing call from Defendant on June 3, 2022 at 1:21 PM, Plaintiff made yet another "Do-Not-Call" request to Defendant's representative, Mr. Yusufov, at the end of the phone call, which was understood and acknowledged by Mr. Yusufov.

61. **Fourth DNC Request:** During the thirty-second (32nd) telemarketing call from Defendant on June 7, 2022 at 5:41 PM, Mr. Yusufov said that he knew Plaintiff previously told him not to call back, but he really wanted to help Plaintiff get financing through Defendant.

62. Plaintiff specifically told Mr. Yusufov not to call him back, once again.

63. This request was acknowledged by Mr. Yusufov.

64. **Fifth DNC Request:** After the thirty-fifth telemarketing call from Defendant, on June 8, 2022 at 3:02 PM, Plaintiff sent a "Do-Not-Call" text message to Defendant's representative, Danial Yusufov, and wrote:

"Daniel stop harassing me asking for bank statements. I've told you repeatedly to stop hitting me up and you keep doing it."

65. On June 8, 2022 at 3:05 PM, Defendant sent a text message to Plaintiff and wrote: "Sorry man :/ I just like getting things done quick and easy." In doing so, Daniel again confirmed his understanding that Plaintiff didn't want to receive contact from Defendant.

66. Defendant continued to contact the Plaintiff for telemarketing purposes numerous times.

67. Since Daniel's sales tactics were obviously not working, Defendant employed numerous other sales representatives to contact the Plaintiff via telephone calls and text messages.

68. On July 21, 2022 and continuing through July 29, 2022, Plaintiff received a deluge of marketing e-mails from "Brian Milman", a "Syndicate Partner" at New York Tribeca Group, brian@nytribecagroup.com.

69. **Sixth DNC Request.** After a total of at least seventy-three (73) telemarketing calls/texts from Defendant, Plaintiff *again* sent a written Do-Not-Call request to Defendant. On July 29, 2022 at 1:36 PM, Plaintiff sent a DNC email to Brian Milman, brian@nytribecagroup.com and wrote "*This is straight HARASSMENT, STOP CALLING ME and STOP EMAILING ME!!*" See Exhibit "2", a true and correct copy of said e-mail chain. Plaintiff does not recall ever speaking on the phone with Mr. Milman, and also never told Defendant to "*reach out to you [Plaintiff] when my company [Defendant] had new programs that could help you [Plaintiff] substantially.*"

70. During the seventy-eighth (78th) telemarketing call from Defendant, on August 11, 2022 at 12:31 PM, Plaintiff answered and spoke with "Jason Klinov", an account manager with Defendant, who delivered a scripted sales pitch to Plaintiff about business funding.

71. As a result of this telemarketing call, Plaintiff received an e-mail from j.klinov@nytribecagroup.com attempting to get the Plaintiff to fill out an application for financing with Defendant.

72. **Seventh DNC Request:** On August 11, 2022 at 2:07 PM, Plaintiff sent a DNC e-mail to j.klinov@nytribecagroup.com, which read:

"Jason - I've asked you guys numerous times to stop calling me. Put my number 484-626-3942 and please provide me with a copy of your company's Do-Not-Call Policy. Thank you."

73. Defendant's representative, Mr. Klinov, responded to Plaintiff's e-mail the same day at 3:28 PM and apologized to Plaintiff.

74. Defendant's representative, Mr. Klinov, continued contacting the Plaintiff for sales purposes via telemarketing.

75. Table A below is a summary of the phone calls and text messages sent by Defendant to the Plaintiff's phone number:

Call Number	Date:	Time:	Caller ID:	Notes:
1	5/25/2022	1:56 PM	484-725-6813	Telemarketing Call lasted 2 minutes.
2	5/25/2022	2:00 PM	732-334-3345	Text: "Hey James when you call me back please call 9178334284. Reply STOP to unsubscribe."
3	5/25/2022	2:00 PM	732-334-3345	Text: "that is my personal cell".
4	5/25/2022	3:05 PM	929-810-1577	Telemarketing call lasted 3 minutes, spoke to Mr. Daniel Yusufov with NY Tribeca Group. Made a verbal DNC Request at the end of the call which was acknowledged by Mr. Yusufov.
5	5/25/2022	3:08 PM	917-833-4284	Text Message: "Hey it's Daniel from Tribeca and my email is d.yusufov@nytribecagroup.com".
6	5/25/2022	3:10 PM	929-810-1577	Missed Call
7	5/25/2022	3:39 PM	732-334-3345	Text: "Were approaching the end of the month. Our lenders are offering leniency in regards to funding approvals in order to reach a funding credit of 15 million this month. Send your last 3 months of business bank statements to d.yusufov@nytribecagroup.com"
8	5/26/2022	12:02 PM	732-334-3345	Text: "Hey James this is Daniel Yusufov with the Tribeca Group underwriting department. To close out the month I'm cutting the overall cost of capital by lowering factor rates and origination fees across the board. I'm not here to waste any of your time. All contracts that go out will be funded within 24 hrs with the discount applied. If you have any open offers and want better numbers I can compete as well.

				Please”
9	5/26/2022	1:10 PM	929-810-1577	Missed Call
10	5/27/2022	8:20 AM	929-810-1577	Missed Call
11	5/27/2022	10:33 AM	929-810-1577	Missed Call
<u>DNC Request</u>	5/27/2022	4:20 PM	DNC E-mail	E-mail to Daniel Yusufov: “Yeah I did see it, I’ll review it and call you guys back if I have any questions. Please don’t call my number back again though its been getting clogged lately with tons of phone calls. Have a great weekend.”
12	5/28/2022	1:03 PM	732-334-3345	Text: “Good Afternoon, this is Daniel Yusufov with The New York Tribeca Group, I just wanted to confirm if you have received my email in regards to capital funding for your business. We have some great offers going on. Please let me know if you are still interested so we can set up a call when you’re available. Have a great day! Regards, Daniel Yusufov”
13	5/28/2022	3:30 PM	732-334-3345	Text: “Were approaching the end of the month. Our lenders are offering leniency in regards to funding approvals in order to reach a funding credit of 15 million this month. Send your last 3 months of business bank statements to d.yusufov@nytribecagroup.com ”
14	5/29/2022	11:49 AM	732-334-3345	Text: “Hello James, This is Daniel Yusufov from New York Tribeca Group Underwriting Dept. When can we schedule a call to complete the application, and go over funding terms we have for your business? I am not here to waste your time or mine. Please keep me posted on a good time for you, and How much Money you need right now! Thank you, Daniel Yusufov”
15	5/30/2022	12:01 PM	732-334-3345	Text message: “Hello James this is Daniel Yusufov with the Tribeca Group underwriting department. To close out the month I’m cutting the overall cost of capital by lowering factor rates and origination fees across the board. I’m not here to waste any of your time. All contracts that go out will be funded within

				24 hrs with the discount applied. If you have any open offers and want better numbers I can compete as well. Please”
16	5/31/2022	3:36 PM	732-334-3345	Text: “Were approaching the end of the month. Our lenders are offering leniency in regards to funding approvals in order to reach a funding credit of 15 million this month. Send your last 3 months of business bank statements to d.yusufov@nytribecagroup.com ”
17	6/1/2022	10:53 AM	929-810-1577	Missed Call & Voicemail from Daniel Yusuf.
18	6/1/2022	2:25 PM	732-334-3345	Text: “Hi James, Unfortunately I was not able to reach you today at 484-626-3942. As I mentioned on the phone last time we spoke, we have the following options for your business: -Advances up to \$2,000,000 Under 48 Hours -Consolidation to lower your payments -Asset based lending -Bridge loans Our flexible rates and terms are based on your business’ performance, please do not hesitate to contact me at or email me at d.yusufov@nytribecagroup.net ”
19	6/1/2022	3:16 PM	929-810-1577	Telemarketing Call from Daniel Yusuf
20	6/1/2022	3:18 PM	917-810-4284	Text Message from Daniel Yusuf “^”.
21	6/1/2022	4:52 PM	732-334-3345	Text: “This is Daniel Yusuf from New York Tribeca Group. I just wanted to touch base. If you have any questions or need assistance with the application, please do not hesitate to contact me at or email me at d.yusufov@nytribecagroup.net ”
22	6/2/2022	10:31 AM	917-833-4284	Missed Call
23	6/2/2022	10:31 AM	917-833-4284	Missed Call
24	6/2/2022	10:33 AM	917-833-4284	Text Message: “Hey James, good morning! I still haven’t received your last 3 months of business bank statements. Please send them over as soon as you can so we can get the process started.”
25	6/2/2022	10:34 AM	917-833-4284	Text Message: “Please either text them to this number or email them to d.yusufov@nytribecagroup.com ”.
26	6/2/2022	12:42 PM	929-810-1577	Missed Call

27	6/3/2022	12:02 PM	732-334-3345	Text: "Hello James this is Daniel Yusuf with the Tribeca Group underwriting department. To close out the month I'm cutting the overall cost of capital by lowering factor rates and origination fees across the board. I'm not here to waste any of your time. All contracts that go out will be funded within 24 hrs with the discount applied. If you have any open offers and want better numbers I can compete as well. Please".
28	6/3/2022	1:21 PM	917-833-4284	Telemarketing call, made verbal DNC Request to Daniel Yusuf.
29	6/3/2022	1:31 PM	732-334-3345	Automated Text Message: "Were approaching the end of the month. Our lenders are offering leniency in regards to funding approvals in order to reach a funding credit of 15 million this month. Send your last 3 months of business bank statements to d.yusuf@nytribecagroup.com "
30	6/6/2022	4:15 PM	917-833-4284	Missed Call
31	6/6/2022	4:22 PM	929-810-1577	Missed Call
32	6/7/2022	5:41 PM	917-833-4284	Telemarketing Call from Daniel Yusuf. Started out "I know you told me not to call you again but I want to get this done." Told Daniel not to call me again.
33	6/7/2022	5:42 PM	917-833-4284	Text Message: "Here is my email^"
34	6/8/2022	10:09 AM	484-725-6813	Missed Call
35	6/8/2022	10:21 AM	917-833-4284	Text Message: "Hey James, good morning! I still haven't received your last 3 months of business bank statements. Please send them over as soon as you can."
DNC Request	6/8/2022	3:02 PM	Sent to 917-833-4284	Sent DNC text to Daniel: "Daniel stop harassing me asking for bank statements. I've told you repeatedly to stop hitting me up and you keep doing it."
36	6/8/2022	3:05 PM	917-833-4284	Text Message: "Sorry man :/ I just like getting things done quick and easy."
37	6/8/2022	4:57 PM	917-833-4284	Text Message: "Hey James please send me your last 3 months of business bank statements to dyusuf@nytribecagroup.net "
38	6/9/2022	10:09 AM	484-725-6813	Missed Call
39	6/10/2022	1:08 PM	484-725-6813	Answered Call, lasted 5 seconds, call

				disconnected.
40	6/10/2022	3:22 PM	732-334-3345	Text Message: "Hey it's Colin, I am one of the head underwriters here at NY Tribeca Group. I have allocated you finding for the business, how much can you use at this time?"
41	6/13/2022	11:09 AM	484-725-6813	Missed Call
42	6/13/2022	11:35 AM	732-334-3345	Text: "Good morning, this is Jazmyn over at the New York Tribeca Group. I'm reaching out to see if you are still in the market for business financing. How much capital can your business put to good use?"
43	6/13/2022	4:47 PM	484-725-6813	Missed Call
44	6/13/2022	4:48 PM	732-334-3345	Text: "Good afternoon James, We have great funding programs to kick off the month of June! How much money can your business benefit from right now?"
45	6/14/2022	11:48 AM	917-833-4284	Text: "Hey James I still haven't received anything man. I don't want to harass you, I want to help you. Please send me the statements as soon as you can."
46	6/14/2022	1:27 PM	484-725-6813	Call lasted 1 minute, spoke to Jordan.
47	6/14/2022	3:10 PM	347-924-2624	Text Message: "Hey Shelton, Jordan here with the New York Tribeca Group. Here's my personal number. Let's try to get this application completed as soon as possible. I can get you offers y tomorrow morning if it's filled out within the hour. Thanks"
48	6/14/2022	5:33 PM	929-255-3226	Missed Call
49	6/14/2022	5:45 PM	929-255-3226	Missed Call
50	6/15/2022	3:20 PM	929-255-3226	Telemarketing call lasted 1 minute
51	6/17/2022	1:01 PM	484-725-6813	Missed Call & Voicemail
52	6/17/2022	1:16 PM	732-334-3345	Text Message: "Good Afternoon, this is Jordan Goris with The New York Tribeca Group, I just wanted to confirm if you have received my email in regards to capital funding for your business. We have some great offers going on. Please let me know if you are still interested so we can set up a call when you're available. Have a great day!"

				Regard, Jordan Goris
53	6/18/2022	11:52 AM	732-334-3345	Text Message: “Hello James, This is Jordan Goris from New York Tribeca Group Underwriting Dept. When can we schedule a call to complete the application, and go over funding terms we have for your business? I am not here to waste your time or mine. Please keep me posted on a good time for you, and How much Money you need right now! Thank you, Jordan Goris
54	6/20/2022	9:57 AM	929-255-3226	Missed Call
55	6/21/2022	10:01 AM	929-255-3226	Missed Call
56	6/21/2022	2:19 PM	732-334-3345	Text: “This is Jordan Goris from New York Tribeca Group. I just wanted to touch base. If you have any questions or need assistance with the application, please do not hesitate to contact me at or email me at j.goris@nytribecagroup.com Best, Jordan Goris
57	6/27/2022	11:30 AM	732-334-3345	Text: “Greetings! It’s never been a better time to invest in your business. With the inflation rates increasing and global economic scarcity, it’s in every business owner’s best interest to gain leverage now. All you need to do is fill out this quick application:
58	6/27/2022	3:38 PM	929-255-3226	Missed Call
59	6/27/2022	4:56 PM	484-725-6813	Missed Call
60	6/28/2022	10:25 AM	484-725-6813	Missed Call
61	6/29/2022	5:46 PM	484-725-6813	Incoming Call lasted 3 minutes. Did not give permission for calls back.
62	7/7/2022	9:53 AM	484-725-6813	Missed Call
63	7/7/2022	1:28 PM	484-725-6813	Missed Call & Voicemail
64	7/7/2022	3:04 PM	732-334-3345	Text: “Hey, my name is Alex with NY Tribeca Group, our company is able to provide short-term business working capital with no personal guarantee and we can get this money to you within 24 hours. How much can the business utilize at this time?

65	7/8/2022	1:40 PM	732-334-3345	Text: "Hey, it's Erick from the back office at Tribeca. I'm just following up to see if you received the Working Capital that you needed? I have options with attractive terms and rates. I'd also like to do my best and meet your expectations and get you what you're looking for. Give me a call if you need to, my direct line is 917-293-8501"
66	7/11/2022	10:26 AM	484-725-6813	Missed Call
67	7/18/2022	12:50 PM	484-725-6813	Missed Call
68	7/19/2022	1:12 PM	484-725-6813	Missed Call
69	7/21/2022	12:56 PM	484-725-6813	Missed Call
70	7/22/2022	12:25 PM	484-725-6813	Missed Call
71	7/22/2022	3:25 PM	484-725-6813	Missed Call
72	7/25/2022	3:59 PM	484-725-6813	Missed Call
73	7/26/2022	5:42 PM	484-725-6813	Missed Call
DNC Request	7/29/2022	1:36 PM	Email	DNC Email Sent to Brian Millman, brian@nytribecagroup.com : "This is straight HARASSMENT, STOP CALLING ME and STOP EMAILING ME!!"
74	8/1/2022	12:44 PM	917-833-4284	Text: "Hey, it's Daniel from the Tribeca Group and it's a brand new month! Please send me your business bank statements for May, June, and July to d.yusufov@nytribecagroup.com I will have an offer read for you within a couple hours.
75	8/2/2022	11:33 AM	484-725-6813	Missed Call
76	8/3/2022	10:24 AM	484-725-6813	Missed Call
77	8/5/2022	10:06 AM	484-725-6813	Missed Call
78	8/11/2022	12:31 PM	443-335-8016	Call lasted 1 minute.
79	8/13/2022	1:01 PM	732-334-3345	Text: "Good Afternoon, this is Jason Klinov with The New York Tribeca Group, I just wanted to confirm if you have received my email in regards to capital funding for your business. We have some great offers going on. Please let me know if you are still interested so we can set up a call when you're available. Have a great day! Regards, Jason Klinov
80	8/15/2022	3:40 PM	732-334-3345	Text: "Hello James, This is Jason Klinov from New York Tribeca Group

				Underwriting Dept. When can we schedule a call to complete the application, and go over funding terms we have for your business? I am not here to waste your time or mine. Please keep me posted on a good time for you, and How much Money you need right now! Thank you, Jason Klinov”
81	8/17/2022	1:53 PM	732-334-3345	Hi James, Unfortunately I was not able to reach you today at 484-626-3942. As I mentioned on the phone last time we spoke, we have the following options for your business: -Advances up to \$2,000,000 Under 48 hours -Consolidation to lower your payments -Asset based lending -Bridge loans Our flexible rates and terms are based on your business' performance, please do not hesitate to contact me at or email me at j.klinov@nytribecagroup.com
82	8/18/2022	3:41 PM	732-334-3345	Text: This is Jason Klinov from New York Tribeca Group Underwriting Dept. When can we schedule a call to complete the application, and go over funding terms we have for your business? I am not here to waste your time or mine. Please keep me posted on a good time for you, and How much Money you need right now! Thank you, Jason Klinov”
83	8/22/2022	12:18 PM	971-501-1413	Call lasted 19 seconds. Hung up.
84	8/23/2022	11:20 AM	208-314-0916	Call lasted 27 seconds. Hung up.
85	8/24/2022	5:47 PM	732-334-3345	Text: “Ariel from TRIBECA GROUP, save the number twice. If you ever come across needing 24 HOUR FUNDING I'm your guy! Don't be shy to call/text with any questions feel free to connect with me I'm here to be a help to you and your business. DIRECT CELL: (706)-773-0596 EMAIL: A.yagudayev@nytribecagroup.com
85	8/30/2022	4:02 PM	646-806-4416	Text: “Hey James. Chris Delfyett from the Tribeca Group & The subject header is New York Tribeca Group..if you can't find it in your inbox then check your spam. My email is C.delfyett@nytribecagroup.com If

				you have a challenge finding it then let me know.”
86	8/30/2022	5:41 PM	646-806-4416	Missed Call
87	8/30/2022	5:42 PM	646-806-4416	Text: “Hey James. Chris here. Just wanted to see if you received my email.”
88	8/31/2022	8:33 AM	646-806-4416	Missed Call
89	8/31/2022	8:35 AM	646-806-4416	Text: “Morning James. Chris from the Tribeca Group. Did you receive my email?”
90	9/6/2022	10:01 AM	646-859-2765	Missed Call
91	9/6/2022	12:48 PM	732-334-3345	Text: “Hi James, Unfortunately I was not able to reach you today at 484-626-3942. As I mentioned on the phone last time we spoke, we have the following options for your business: -Advances up to \$2,000,000 Under 48 hours -Consolidation to lower your payments -Asset based lending -Bridge loans Our flexible rates and terms are based on your business' performance, please do not hesitate to contact me at (646) 806-4416 or email me at c.delfyett@nytribecagroup.net ”
92	9/7/2022	2:15 PM	732-334-3345	Text: “This is Christ Delfyett with New York Tribeca Group. I just wanted to touch base. If you have any questions or need assistance with the application, please do not hesitate to contact me at (646) 806-4416 or email me at c.delfyett@nytribecagroup.net Best, Chris Delfyett”
93	9/8/2022	8:37 AM	646-806-4416	Missed Call
94	9/8/2022	8:40 AM	646-806-4416	Text: “Morning James. Chris from the Tribeca Group & you mentioned that you acquired a new route to San Diego as well as needing a truck for that route by mid October. Do you still require capital?”
95	9/29/2022	12:10 PM	412-857-3427	Missed Call from “Dmytro”
96	9/29/2022	1:08 PM	732-334-3345	Text: Hello it's Dmytro, from NY Tribeca following up to see If you could still use working capital today, it would take me 24 hours to get you an offer. All I require is

				your last 3 months of bank statements and a filled-out application. Here is the link to the online app, or call me at 718-593-6658”
97	10/2/2022	1:00 PM	732-334-3345	Text: “Good Afternoon, this is Dmytro Yanush with The New York Tribeca Group, I just wanted to confirm if you have received my email in regards to capital funding for your business. We have some great offers going on. Please let me know if you are still interested so we can set up a call when you're available. Have a great day! Regards, Dmytro Yanush”
98	10/3/2022	11:45 AM	732-334-3345	Text: “Hello James, This is Dmytro Yanush from New York Tribeca Group Underwriting Dept. When can we schedule a call to complete the application, and go over funding terms we have for your business? I am not here to waste your time or mine. Please keep me posted on a good time for you, and How much Money you need right now! Thank you, Dmytro Yanush”
99	10/4/2022	11:35 AM	646-806-4416	Text: “Good morning James. Chris Delfyett from the Tribeca Group & the 4 th Quarter is here. Any projects going on now that require additional capital?”
100	10/6/2022	12:45 PM	732-334-3345	Automated Text: “Hi James, Unfortunately I was not able to reach you today at 484-626-3942. As I mentioned on the phone last time we spoke, we have the following options for your business: -Advances up to \$2,000,000 Under 48 hours -Consolidation to lower your payments -Asset based lending -Bridge loans Our flexible rates and terms are based on your business' performance, please do not hesitate to contact me at or email me at d.yanush@nytribecagroup.com
101	10/6/2022	2:15 PM	732-334-3345	Text: This is Dmytro Yanush from New

				<p>York Tribeca Group. I just wanted to touch base. If you have any questions or need assistance with the application, please do not hesitate to contact me at or email me at d.yanush@nytribecagroup.com.</p> <p>Best,</p> <p>Dmytro Yanush</p>
102	10/25/2022	1:13 PM	917-833-4284	<p>Text: “Good afternoon, it’s Daniel from Tribeca again. We’re officially in the fourth quarter of the year. With that being said I suggest you take advantage of the rates and terms we have to offer before the new year. With all of the nonsense going on in the world, we don’t know how bad this recession is going to get. Building a relationship with a private lender is more than crucial for your business. Send me your last 3 months of business bank statements to d.yusufov@nytribecagroup.com and I will verify if your business qualifies for funding this month. I am also cutting broker fees in 50% for the rest of this month.”</p>
103	10/31/2022	9:29 AM	646-806-4416	<p>Text: “Good morning James. Chris Delfyett from the Tribeca Group & the 4th Quarter is here. Any projects going on now that require additional capital?</p>
104	11/2/2022	1:25 PM	601-588-3155	<p>Telemarketing Call from Lisa Vongnarath lasted 9 seconds, identified her company as NY Tribeca Group. Hung up.</p>
105	11/2/2022	1:31 PM	732-334-3345	<p>Text: “Hi there! This is Lisa V, Funding Director over at New York Tribeca Group. You previously spoke with one of my associates regarding additional funding for your business. We never received your application.</p> <p>Send me an e-mail to L.vongnarath@nytribecagroup.com with your last 3 months business bank statements for a free evaluation. I can get you a soft offer and reach out within 10 minutes.</p> <p>Or you may fill out the quick application here:</p>

76. Plaintiff did not want or need a loan or any financing.

77. Defendant did not have the Plaintiff's prior express written consent to send any of these text messages or phone calls.

78. Prior to these unsolicited telephone communications, the Plaintiff has never done any business with Defendant and Plaintiff never provided Defendant with his cellular telephone number.

79. At no time during any of Plaintiff's interactions with Defendant did Plaintiff give his consent to receive calls back in the future.

80. At no time did Plaintiff ever purchase any of the Defendant's products or services.

81. To the extent Defendant contends that it obtained consent or agreement from Plaintiff for the calls at issue here, the Telemarketing Sales Rule, 16 C.F.R. § 310.5(a)(5), requires that such records be maintained. In any event, consent is an affirmative defense under the TCPA, this defense is unavailable unless Defendant can show that they had prior express consent in writing, and that they have otherwise complied with all of the requirements of 47 C.F.R. § 64.1200(c)(2), including maintaining written procedures on national do-not-call rules, training personnel on national do-not-call rules, maintaining an internal do-not-call list, and accessing the national do-not-call database no more than 31 days prior to making any calls, and maintaining records documenting such access. Defendant did not have prior express written consent to such calls from Plaintiff.

82. Plaintiff pays for each incoming and outgoing call on his telephone under an unlimited calling arrangement, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii).

83. Plaintiff received the calls on his private mobile telephone, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii). Plaintiff's telephone number is registered with T-Mobile as a cellular telephone number in his personal name and is used for personal purposes.

84. These telephone solicitations constituted “calls” under the TCPA that were not for emergency purposes.

85. Defendant is not an organization exempt from the TCPA.

86. Defendant’s calls to Plaintiff were “telephone solicitations” as defined by the TCPA.

87. Defendant’s calls to Plaintiff were “unsolicited advertisements” as defined by the TCPA.

88. Plaintiff was harmed by these calls. Plaintiff was temporarily deprived of legitimate use of his phone because of the text message and telephone call notifications, and his privacy was improperly invaded. Moreover, these calls injured Plaintiff because they were frustrating, obnoxious, annoying, were a nuisance and disturbed the solitude of plaintiff. The calls caused Plaintiff’s cell phone battery’s depletion, used up cellular data, and prevented Plaintiff from otherwise using his telephone for lawful purposes.

89. In summary, Plaintiff received one hundred and five (105) telemarketing calls from Defendant to Plaintiff’s personal cell phone number which is registered on the National Do-Not-Call list.

Defendant Failed and/or Refused to Produce their DNC Policy to Plaintiff

90. Prior to filing this lawsuit, on August 11, 2022 and again on November 17, 2022, Plaintiff e-mailed Defendant and asked to receive a copy of Defendant’s internal “Do-Not-Call Policy”.

91. Despite these requests, Plaintiff never received any Do-Not-Call Policy from the Defendant.

92. Plaintiff believes, and therefore avers, that this is because Defendant does not maintain a Do-Not-Call Policy, and do not have procedures in place to comply with the TCPA and National Do-Not-Call Registry’s requirements.

93. Plaintiff believes, and therefore avers, that Defendant does not purchase the National Do-Not-Call Registry from the Federal Trade Commission (“FTC”).

94. Defendant does not scrub its telemarketing lists against the National Do-Not-Call Registry.

95. Defendant does not train their employees, representatives, and/or agents to comply with “Do-Not-Call requests” from called parties, including those who are on the Do-Not-Call list.

Causes Of Action

Count One:

(Violation of the TCPA “Sales Call/DNC” Prohibition, 47 U.S.C. § 227(c) et seq.)

96. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

97. Defendant called Plaintiff’s private residential telephone number which was successfully registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls, in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2).

98. Plaintiff was statutorily damaged at least one hundred five (105) times under 47 U.S.C. § 227(c)(3)(F) by the Defendant by the telephone calls described above, in the amount of \$500.00 per call.

99. Plaintiff was further statutorily damaged because Defendant willfully and/or knowingly violated this subsection of the TCPA. Plaintiff requests that the court treble the damage amount as permitted under U.S.C. § 227(c)(5) for each and every willful and/or knowing violation.

100. As a result of Defendant’s and Defendant’s agent’s violations of 47 U.S.C. §227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2), Plaintiff seeks for himself \$500.00 in statutory damages, or \$1,500.00 if trebled as permitted by statute, for each and every violation, pursuant to 47 U.S.C. §227(c)(3)(F).

101. Pursuant to 47 U.S.C. § 227(c)(5)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

COUNT II
(Violation of the TCPA's Implementing Regulations
"Do Not Call Policy" Requirement, 47 C.F.R. 64.1200(d)(1))

102. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

103. Defendant failed and/or refused to provide Plaintiff with a copy of their Do-Not-Call Policy, after Plaintiff requested it in writing on August 11, 2022 via e-mail.

104. Defendant made at least one hundred and five telemarketing calls to the Plaintiff without having a Do-Not-Call Policy or Do-Not-Call procedures in place during the calls.

105. As a result of Defendant's and Defendant's agents' negligent violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$500 in statutory damages, pursuant to the implied private right of action.

106. Plaintiff was statutorily damaged one (1) time under 47 U.S.C. § 227(c)(3)(F) and 47 C.F.R. § 64.1200(d)(1) by the Defendant when they failed and/or refused to provide Plaintiff with a copy of Defendant's Do-Not-Call policy, in the amount of \$500.00.

107. Plaintiff was further statutorily damaged because Defendant willfully and/or knowingly violated this subsection of the TCPA and its implementing regulations.

108. As a result of Defendant's and Defendant's agents' knowing and/or willful violation of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$1,500.00 in trebled statutory damages, as permitted under U.S.C. § 227(c)(5) for this willful and/or knowing violation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff James Everett Shelton prays for judgment against the Defendant as follows:

- A. Leave to amend this Complaint to name additional DOES as they are identified and to conform to the evidence presented at trial;
- B. A declaration that actions complained of herein by Defendant violated the TCPA.
- C. An injunction enjoining Defendant and its affiliates and agents from engaging in the unlawful conduct set forth herein;

On Counts I:

- D. For awards of \$500 for each negligent violation as set forth in Counts I-II.
- E. For awards of \$1,500 for each knowing and/or willful violation as set forth in Count I-II.

Total Damages Requested: **\$159,00.00**

Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all claims so triable.

Dated: November 18, 2022

/s/ James Everett Shelton
James Everett Shelton
Plaintiff, Pro Se
316 Covered Bridge Road
King of Prussia, PA 19406
Phone: 484-626-3942
Jeshelton595@gmail.com

EXHIBIT 1



Jamie Shelton <jeshelton595@gmail.com>

NYTG Requesting Last 3 Months of Business Bank Statements

4 messages

Daniel Yusufov <d.yusufov@nytribecagroup.com>
To: jeshelton595@gmail.com

Wed, May 25, 2022 at 4:04 PM

Good afternoon!

This is Daniel Yusufov with NYTG

The New York Tribeca Group is rolling out brand new programs for all! We can provide capital for you at different flexible terms and rates!

I can get you approved TODAY and you will have the funds available WITHIN 24 HOURS.

Or if you are currently making any payments to lenders, I can help you look at consolidation options as well!

All that is needed are your last 3 months of bank statements and I will either call or email you back within 10 mins to discuss how much funding we can approve you for.

Please reply to this email with your last 3 months of statements, the dollar amount you are looking for, and the best phone number to reach you.

Thank you and I look forward to working with you!

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

**Daniel Yusufov**

Account Manager

New York Tribeca Group40 Wall Street, 43rd Floor, New York, NY 10005

phone: (917) 833 -4284 fax: (866) 331-6040

email: d.yusufov@nytribecagroup.com

website: www.nytribecagroup.com



Daniel Yusufov <d.yusufov@nytribecagroup.com>
To: jeshelton595@gmail.com

Fri, May 27, 2022 at 6:18 PM

Just making sure you saw this.

[Quoted text hidden]

Jamie Shelton <jeshelton595@gmail.com>
To: Daniel Yusufov <d.yusufov@nytribecagroup.com>

Fri, May 27, 2022 at 6:20 PM

Yeah I did see it, I'll review it and call you guys back if I have any questions. Please don't call my number again though its been getting clogged lately with tons of phone calls.
Have a great weekend.

[Quoted text hidden]

Daniel Yusufov <d.yusufov@nytribecagroup.com>
To: Jamie Shelton <jeshelton595@gmail.com>

Fri, May 27, 2022 at 6:23 PM

Sounds good, thank you. Have a great weekend as well!

[Quoted text hidden]

EXHIBIT 2



Jamie Shelton <jeshelton595@gmail.com>

Business Venture July

10 messages

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Thu, Jul 21, 2022 at 10:37 AM

Good morning

Hope that you're having a great week!

I'm NOT here to waste your time. Last time we spoke you told me to reach out to you when my company had new programs that could help you substantially.
I wouldn't waste my time if I felt I couldn't help your business grow in the right direction.

I can provide consolidation for pre-existing debt, Collateral based loan, 30 Year Term Fix Rate, Revolving LOC, Term Loans and many more.

NO application required !! Please forward me your last 3 months of Business bank statements for Pre-Qual and I will present the Best possible offer & terms and the only regret you will have is that you didn't know me before you got funded with all others !!

Best Regards,

--

Brian Milman

Syndicate Partner

New York Tribeca Group

Mobile: 917-683-2949

40 Wall St, 43rd Floor

New York, NY 10005

Email: Brian@nytribecagroup.com

Website: www.nytribecagroup.com

Please note my new email address: Brian@nytribecagroup.com

CONFIDENTIALITY NOTICE: The information contained in this E-mail message (including attachments) may be privileged and confidential information and is intended only for the use of the individual and/or entity identified in the address of this message. If you have received this transmission in error, please notify us immediately and delete the original message from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action reliance on the contents of this information is strictly prohibited. Thank you

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Fri, Jul 22, 2022 at 7:15 AM

Great Morning ,

Just wanted to follow up with you to see if you received my previous email in regards to your enterprise. We have recently approved your business up to \$250,000 in working capital and would love to get onto the phone with you to converse.

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Sat, Jul 23, 2022 at 7:23 AM

Great Morning ,

I've reached out a few times, but I haven't heard back from you. We're a direct lending institution and It would be my pleasure to go over funding programs with you. Please advise with your best number and time, I will make sure I do so.

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Sun, Jul 24, 2022 at 7:35 AM

Great Morning ,

I hope that you're having a great day!

I have tried reaching out to you a few times throughout this week. I know how many calls you're receiving from brokers. Let me put numbers in front of you with out wasting your time.. Feel free to reach me at my direct at (917)-683-2949

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Mon, Jul 25, 2022 at 6:59 AM

Good morning !

I hope that all is well today. I want to apologize for emailing you repeatedly. I just don't want you working with the wrong group of people or having anyone bate and switch you. I would really appreciate a response so we can speak over everything even if you aren't interested.

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Tue, Jul 26, 2022 at 7:27 AM

Simply reply yes if I can attempt to reach you.

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Thu, Jul 28, 2022 at 8:52 PM

My online portal attached below.

<https://www.nytribecagroup.com/application/?brian@nytribecagroup.com>

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Fri, Jul 29, 2022 at 8:32 AM

Should I stop emailing you?

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

[Quoted text hidden]

brian m <brian@nytribecagroup.com>
To: jeshelton595@gmail.com

Fri, Jul 29, 2022 at 10:16 AM

Should I stop emailing you?

--

Brian Milman

Senior Funding Manager

New York Tribeca Group

Direct: 917-683-2949
40 Wall St., 43rd Floor
New York, NY 10005

On Thursday, July 28, 2022 at 5:52 PM, brian m <brian@nytribecagroup.com> wrote:

[Quoted text hidden]

Jamie Shelton <jeshelton595@gmail.com>
To: brian m <brian@nytribecagroup.com>

Fri, Jul 29, 2022 at 1:36 PM

This is straight HARASSMENT, STOP CALLING ME and STOP EMAILING ME!!

[Quoted text hidden]

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JAMES EVERETT SHELTON

(b) County of Residence of First Listed Plaintiff MONTGOMERY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James Everett Shelton, Plaintiff Pro Se, 316 Covered
Bridge Road, King of Prussia, PA 19406, 484-626-3942**DEFENDANTS**

NEW YORK TRIBECA GROUP LLC

County of Residence of First Listed Defendant NEW YORK
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Anthony L. Gallia, Esq., Duane Morris LLP

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input checked="" type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. Section 227 et. seq.

Brief description of cause:
Violations of the TCPA**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
159,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/18/2022

SIGNATURE OF ATTORNEY OF RECORD

James E. Shelton

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 316 Covered Bridge Road, King of Prussia, PA 19406

Address of Defendant: 40 Wall St., 43rd Floor, New York, NY 10005

Place of Accident, Incident or Transaction: By text message to Plaintiff's phone in King of Prussia, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/18/2022

James E. Shelton
Must sign here

Attorney at Law Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): TCPA, 47 U.S.C. 227

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, James Everett Shelton, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 11/18/2022

James E. Shelton
Sign here if applicable

Attorney at Law Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

JAMES EVERETT SHELTON

CIVIL ACTION

v.

NEW YORK TRIBECA GROUP LLC

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/18/2022

Date

484-626-3942

Telephone

James E. Shelton
~~Attorney-at-law~~ Pro Se

FAX Number

Pro Se

Attorney for

jeshelton595@gmail.com

E-Mail Address